

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD – Allegations of irregularities against the contractor in execution works and dishonoring the agreement conditions for the works sanctioned in Udayagiri Assembly Constituency under NABARD (RIAD) funds in SPSR Nellore District -Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired) – Disciplinary proceedings under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 read with Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IA) DEPARTMENT

G.O.Rt.No. 2099.

Dated: 19.12.2013

Read:

G.O.Ms.No. 462 , PR&RD (Vig.IA) Dept., dt. 19.12.2013.

ORDER:

In pursuance of the sanction accorded in the reference read above, under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 for instituting departmental proceedings against Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired), it is proposed to hold an enquiry against Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired), in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired), is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired), is informed that an enquiry will be held only in respect of article of charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired), is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Attention of Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired), is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired), is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division,
Udayagiri, Nellore District (now retired) through the Engineer-in-Chief,
Panchayat Raj, Hyderabad.

The Engineer-in-Chief, Panchayat Raj, Hyderabad.

(in duplicate with a request to serve and return the dated acknowledgement copy)

Copy to:

The G.A.(V&E) Dept. (w.r.t.Vigilance Report No67 (58/V&E/E2/2012), dt. 15.06.2013)

The Secretary to VC, APVC, Hyderabad.

The PR&RD (Estt.III) Department.

SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-I

(Annexure to G.O.Rt.No. 2099 , PR&RD (Vig.IA) Dept., dt.19.12.2013)

STATEMENT OF ARTICLE OF CHARGES AGAINST SRI P.KANAKAIAH, FORMERLY DY.EXECUTIVE ENGINEER, PR PROJECTS SUB-DIVISION, UDAYAGIRI, NELLORE DISTRICT (NOW RETIRED).

CHARGE:

That Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired) has misused his official position for his personal gain and committed the following allegations of irregularities in the execution of the works (1) "Providing B.T. Surface from KM 98/4 of KUS Road to Siddeswaram (Via) Polamgaripalli, Devamma Cheruvu & Vempallithota", (2) "Providing B.T. Road from SR Puram R&B road to Pandrangi (via) Turkapalem – Narayanampeta, under 12th Finance, RIAD" resulting loss to the Govt., in contravening the A.P.Civil Services (Conduct) Rules, 1964.

- (i) Allowed, check measured the work and recommended payment for the GSB which is not satisfying MORD & Agreement specifications for both the works.
- (ii) Allowed, check measured, recommended payment for WBM Grade-III metal layer which was formed with "Schist metal" (OTG) against specified quality of HBG metal for the work No. (1).
- (iii) Allowed, check measured, recommended payment for substandard quality of concrete for CD works in work (2).

BASIS:

The V&E has inspected the work "Providing BT Road from Km 98/4 of KUS Road to Siddeswaram via Polamgaripalli, Devammacheruvu & Vempallithota" and "Providing B.T. Road from SR Puram R&B road to Pandrangi (via) Turkapalem – Narayanampeta under 12th Finance, RIAD" and communicated Report No. 67 (58/V&E/E2/2012), Dt: 15.06.2013 and observed the following:-

The work "Providing BT Road from Km 98/4 of KUS Road to Siddeswaram via Polamgaripalli, Devammacheruvu & Vempallithota" and "Providing B.T. Road from SR Puram R&B road to Pandrangi (via) Turkapalem – Narayanampeta under 12th Finance, RIAD" was administratively sanctioned vide G.O.Ms.No.566, Dt.25.09.2010, of G.A. (RIAD) Dept., for Rs. 513.00 Lakhs. The same was technically sanctioned vide T.S.No.Nil/2010-11, Dt. 30.10.2010 for Rs. 513.00 Lakhs based on 2010-11 SSR and vide G.O.Ms.No.566, Dt.25.09.2010, of G.A. (RIAD) Dept., for Rs. 299.79 Lakhs. The same was technically sanctioned vide T.S.No.Nil/2010-11, Dt. 01.11.2010 for Rs. 299.79 Lakhs based on 2010-11 SSR.

The V&E has inspected the work and made the following findings:-

- The allegation that the contractor used the local earth for the formation of Granular sub base without mixing the sand specified in the agreement specification is not substantiated as more sand than the gravel is used. However, the GSB mix is not as per the standards specified in the agreement and is liable for rejection. Since, the GSB layer is bottom layer over which WBM layers and bituminous layers are laid, the relaying of the same is not possible, recoveries of Rs. 3,94,924/- & Rs. 3,29,612/- are proposed in works (1) & (2) respectively from the bills of the contractors.
- The allegation that the contractor used local trap metal as Coarse Aggregate in concrete items in cement concrete roads, culverts, road dams instead of HBG metal from Chimakurthi with longer lead is substantiated. But, in the agreement specification the variety of metal used was not mentioned and as such no recoveries are proposed.

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- The allegation that the contractor used local vagu sand which is mixed with earth & stones for the work, instead of Penna river sand could not be verified as no sand is available at the construction site as on the dates of inspection.
- The allegation that the contractor used poor quality local metal instead of Trap Metal from Venkatadripalem is substantiated only in respect of Grade-II & Grade-III metal in work (1) and Grade II metal in work (2) as quartzite metal is used against trap metal for Grade-II layer in work (1) & work (2) & Schist metal (OTG) for grade III metal layer in work (1). However, the initial cost of Quartzite metal and HBT are same in the SSR and the Engineering properties of quartzite is within the specified limits, the quartzite metal may be allowed of Grade-II layer because of the lead provided in working estimate is same as the lead procured for WBM Grade-II. In work (1), an amount of Rs. 11,67,267/- is proposed towards recovery from the contractor for using Schist metal (OTG) against the agreement specifications of using Granite metal in the WBM Grade-III towards the change in quality of metal.
- The allegation that bridges were constructed without conducting tests for safe bearing capacity of soil for foundation is not substantiated, since, there are no major CM & CD works proposed of soils for SBC was not done in respect of work (1). In respect of work (2) there is one structure of 4 vents of 5.0 mts, span slab culvert in K.M 0/8 to 1/0 for which tests for determining the SBC were conducted by M/s NRDCS Ltd.
- In work (1), tests conducted to assess compressive strength of concrete (Total 9 Nos. 6 invented road dam at KM 5/6 to 5/8 and 3 invented road dam at KM 6/8 to 7/0) reveal satisfactory results. In work (2), 24 cores are extracted from hardened concrete of various elements of 4 vents 5.00 Mts., span cause way in KM 0/8 to 1/0, 3 vented 3.00 Mts., span Road Dam at KM 1/6 TO 1/8 and CC road at Ch. 0/0 to 0/622m and tested for compressive strengths. The compressive strengths in respect of Abutment at 1/0, 1st pier towards Turkapalem side of 4 vented 5.00 Mts., span cause way in KM 0/8 to 1/0 & pier towards Narayanpet side of 3 vented 3.00 Mts., span Road Dam at KM 1/6 to 1/8 satisfied M10 grade concrete. Since, these are mass concrete works, the same may be allowed duly checking the design adequacy for M10 grade concrete. If the design adequacy is satisfied the members can be allowed with double recoveries for the difference in cost of cement. If not the members are to be released only after satisfying about the strengths (after strengthening). As regards Pier towards Naryanampet side of 3 vented 3.00 Mts., span Road Dam at KM 1/6 TO 1/8 the strengths are not satisfying even M10 grade concrete and as such the pier is to be rejected and relaid at the cost of the contractor. Since, the pier is a substructure and super structure is completed, the relaying is practically not possible. Hence, double recoveries for the difference in cost of cement of M15 & M5 concrete (achieved) may be made from the bills of the V&E/Hqrs./Engg./June, 2013.

Contractor and also to strengthen the pier with grouting or any other techniques at the cost of the contractor. The final payment shall be made only after satisfying about the strength of the pier after strengthening.

Since testes conducted on cores extracted from hardened concrete of elements of some of the structures failed to satisfy compressive strengths, the allegation that foundation walls and slabs of the structures were constructed with poor quality of concrete is partially substantiated.

- The allegation that the contractor used poor quality local company steel in the work instead of using ISI standard steel could not be verified, since as on the date of V&E officials inspection on 06.08.2012, 06.09.2012, no steel is available at the construction site for testing of engineering properties. In the agreement also there is no clause that the contractor has to procurement to the Executive Engineer.

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- An total amount of **Rs. 15,82,859/-** is proposed for Work (1) as (Recovery towards less % of Gravel in GSB layer Rs. 3,94,924.00 + Recovery towards usage of Schist Metal (OTG) against the agreement specification of using Granite Metal in WBM Grade-III layer Rs. 11,67,267.00 + Recovery towards deficiency in B.T. Content of OGPC layer) from the bills of the contractor for the work "Providing B.T. Surface from KM 98/4 of KUS road to Siddeswaram (via) Polamgaripalli, Devamma Cheruvu & Vempallithota".
- An amount of **Rs. 3,29,612.00/-** is proposed for Work (2) as (Recovery towards less % of Gravel in GSB layer is Rs. 3,29,612.00) from the bills of the contractor for the work "Providing B.T. Road from SR Puram R&B road to Pandrangi (via) Turkapalem – Narayanampeta".

Thus, Sri P.Kanakaiah, formerly Dy.Executive Engineer, PR Projects sub-division, Udayagiri, Nellore District (now retired) has failed to discharge his legitimate duties properly and allowed, check measured the work and recommended payment for the GSB which is not satisfying MORD & Agreement specifications for both the works. Allowed, check measured, recommended payment for WBM Grade-III metal layer which was formed with "Schist metal" (OTG) against specified quality of HBG metal for the work No. (1). Allowed, check measured, recommended payment for substandard quality of concrete for CD works in work (2) and thus his action is in violation of A.P.Civil Services (Conduct) Rules 1964.

Hence, the Charge.

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

(Annexure to G.O.Rt.No. 2099 , PR&RD (Vig.IA) Dept., dt. 19.12.2013)

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE ARE PROPOSED TO BE SUSTAINED AGAINST SRI P.KANAKAIAH, FORMERLY DY.EXECUTIVE ENGINEER, PR PROJECTS SUB-DIVISION, UDAYAGIRI, NELLORE DISTRICT (NOW RETIRED)

Vigilance Report No.67 (58/V&E/E2/2012), Dated 15.06.2013 of the General Administration (Vigilance & Enforcement) Department.

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

(Annexure to G.O.Rt.No. 2099 , PR&RD (Vig.IA) Dept., dt.19.12.2013)

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE ARE PROPOSED TO BE SUSTAINED AGAINST SRI P.KANAKAIAH, FORMERLY DY.EXECUTIVE ENGINEER, PR PROJECTS SUB-DIVISION, UDAYAGIRI, NELLORE DISTRICT (NOW RETIRED)

- NIL -

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER